

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE, NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION NO.2905 OF 2006
IN
CRIMINAL APPEAL NO.341 OF 2005**

Office Notes, Office Memoranda of :

Coram, appearances, Court's orders : Court's or Judge's Orders
and Registrar's orders

Mr. R.M. Daga, Advocate for the applicants/appellants,

Mr. D.B. Patel, APP for the respondent/State.

Coram : K. J. Rohee & C. L. Pangarkar, JJ

Dated : 12th September, 2006

1. Heard the learned counsel for the applicants/appellants and the learned APP for the respondent/State.
2. Appellant nos.1 and 3 have been convicted for the offence punishable under Sections 147, 148, 302 r/w 149 of the Indian Penal Code. It is said that appellant no.1 assaulted Irfankhan with a Knife, with the result there were two injuries namely, contused lacerated wound and abrasion over chest. Appellant no.3 assaulted Irfankhan with stick. It is true that external injuries namely contused lacerated wound

and abrasion over chest were not fatal. Internal injuries namely injury on scalp and fracture temporal bone were fatal. It was urged by the learned counsel for the appellants that appellant nos.1 and 3 were not responsible for causing internal injuries to Irfankhan and hence they may be released on bail.

3. We are not inclined to do so because the appellants have been convicted for the offence punishable under Section 302 r/w 149 of the Indian Penal Code and hence it cannot be said that they are not liable for causing the death of Irfankhan. The application is, therefore, dismissed.
4. Matter may be placed for final hearing.

JUDGE

JUDGE

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